

On February 1, 1938, the Robertson Produce Co., having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

28939. Misbranding of olive oil. U. S. v. 125 Cans of Alleged Olive Oil. Default decree ordering product delivered to charitable institutions. (F. & D. No. 41326. Sample No. 302-C.)

This product was represented to be pure imported olive oil, whereas it consisted in part of cottonseed oil artificially colored and flavored.

On January 5, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 cans of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about December 8, 1937, from Brooklyn, N. Y., by Joe Cardo, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements and device were false and misleading and tended to deceive and mislead the purchaser when applied to an article which consisted in part of cottonseed oil: "Imported Product Pure Olive Oil Gioiosa * * * [design of olive tree branches bearing olives] * * * Prodotto Importato Olio D'Oлива Puro Marca Gioiosa * * * Olio D'oliva puro garantito sotto qualsiasi analisi chimica. We guarantee this olive oil to be absolutely pure under chemical analysis. * * * Imported Pure Olive Oil."

The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, olive oil.

On May 11, 1938, no claimant having appeared, the product was ordered delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

28940. Misbranding of canned tomatoes. U. S. v. 150 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 41497. Sample No. 48097-C.)

This product was substandard because the fruit was not normally colored and contained excessive peel, and it was not labeled to indicate that it was substandard.

On January 21, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of canned tomatoes at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 16, 1937, by R. E. Dobyns from Monaskon, Va., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Green Vale Brand Hand Packed Tomatoes * * * Packed by R. E. Dobyns, Monaskon, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored and the average amount of peel per pound of net contents exceeded 1 square inch and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

28941. Alleged misbranding of bread. U. S. v. Shervill R. Sharp (Surebest Bakers). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 39749. Sample No. 30750-C.)

On August 24, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Shervill R. Sharp, trading as Surebest Bakers at El Paso, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 26, 1937, from the State of Texas into the State of New Mexico of quantities of bread that was alleged to be misbranded. The article was labeled in part: "Surebest * * * Bread Weight 1 Pound * * * Surebest Bakers"; or "Surebest * * * White Bread * * * Wt. 1 Lb. Sunlight Bakery Corp. El Paso, Texas."